

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM JOSPEH BABBITT,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

No. 2:22-cv-02196-DAD-AC (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. No. 6)

Plaintiff William Joseph Babbitt is proceeding *pro se* and *in forma pauperis* in this civil action. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 3, 2023, the assigned magistrate judge screened plaintiff's first amended complaint and issued findings and recommendations recommending that this action be dismissed, without leave to amend, due to plaintiff's failure to state a cognizable claim upon which relief may be granted. (Doc. No. 6.) The magistrate judge concluded that granting leave to amend would be futile because "plaintiff was provided the opportunity to amend his complaint, but has come no closer to stating a viable claim for relief." (*Id.* at 6.) Those pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. (*Id.* at 7.) To date, no objections to the

1 pending findings and recommendations have been filed, and the time in which to do so has now
2 passed.¹

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
4 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
5 findings and recommendations are supported by the record and by proper analysis.

6 Accordingly,

- 7 1. The findings and recommendations issued on April 3, 2023 (Doc. No. 6) are
8 adopted in full;
- 9 2. This action is dismissed due to plaintiff's failure to state a claim; and
- 10 3. The Clerk of the Court is directed to close this case.

11 IT IS SO ORDERED.

12 Dated: August 7, 2023

13 
14 UNITED STATES DISTRICT JUDGE

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27 ¹ The service copy of the pending findings and recommendations was returned to the court
28 marked as "Undeliverable, RTS, Attempted, Not Known." Thus, plaintiff was required to file a
notice of his change of address with the court no later than June 23, 2023. To date, plaintiff has
not filed a notice of his change of address or otherwise communicated with the court.